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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,294	07/13/2000	Stuart J. Knowles	A-68944/ESW	4777
40461	7590	11/16/2005	EXAMINER	
EDWARD S. WRIGHT 1100 ALMA STREET, SUITE 207 MENLO PARK, CA 94025			ART UNIT	PAPER NUMBER

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/615,294	Applicant(s) KNOWLES ET AL.	
	Examiner A. Dexter Tugbang	Art Unit 3729	

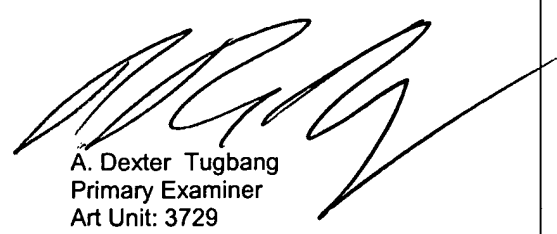
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on _____ is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

- 1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
- 2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
- 3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
- 4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
- 5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
- 6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
- 7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
- 8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
- 9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
- 10. ☒ Other (including any explanation in support of the above items):

See Attachment.


A. Dexter Tugbang
Primary Examiner
Art Unit: 3729

Attachment to the Notification of Non-Compliant Appeal Brief

1. With respect to item 2, the brief in the section of the Status of Claims, does not contain a statement as to the status of all of the claims. There is no statement as to which claims are rejected and which is allowed.
2. With respect to item 3, the After Final amendment filed on June 24, 2005 was entered and made of record as noted by the Advisory Action, dated July 19, 2005. However, the section of the brief under Status of Amendments, makes no such statement as to whether or not the After Final amendment has been entered.
3. With respect to item 10, the brief presents arguments to Claim 9 in the section under arguments. However, Claim 9 was indicated as being allowable in the Advisory Action, dated July 19, 2005. So it is unclear as to why arguments are presented to Claim 9 since Claim 9 is found to be allowable.
4. With respect to item 7, the copy of the claims in the appendix is incorrect because it includes Claim 9 as being under appeal. Claim 9 is not under appeal for the reasons in item 10 above.